

Administrator may approve more time for shipment based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) If an engine cannot complete the service accumulation or an emission test because of a malfunction, the manufacturer may request that the Administrator authorize either the repair of that engine or its deletion from the test sequence.

(g) Whenever a manufacturer conducts testing pursuant to a test order issued under this subpart, the manufacturer must notify the Administrator within one working day of receipt of the test order as to which test facility will be used to comply with the test order. If no test cells are available at a desired facility, the manufacturer must provide alternate testing capability satisfactory to the Administrator.

(1) A manufacturer with projected nonroad engine sales for the United States market for the applicable year of 7,500 or greater must complete emission testing at a minimum rate of two engines per 24-hour period, including each voided test and each smoke test.

(2) A manufacturer with projected nonroad engine sales for the United States market for the applicable year of less than 7,500 must complete emission testing at a minimum rate of one engine per 24-hour period, including each voided test and each smoke test.

(3) The Administrator may approve a lower daily rate of emission testing based upon a request by a manufacturer accompanied by a satisfactory justification.

(h) The manufacturer must perform test engine selection, shipping, preparation, service accumulation, and testing in such a manner as to assure that the audit is performed in an expeditious manner.

(i) Retesting. (1) The manufacturer may retest any engines tested during a Selective Enforcement Audit once a fail decision for the audit has been reached in accordance with § 91.608(e).

(2) The Administrator may approve retesting at other times based upon a request by the manufacturer accompanied by a satisfactory justification.

(3) The manufacturer may retest each engine a total of three times. The manufacturer must test each engine or

vehicle the same number of times. The manufacturer may accumulate additional service before conducting a retest, subject to the provisions of paragraph (c) of this section.

(j) A manufacturer must test engines with the test procedure specified in subpart E of this part to demonstrate compliance with the exhaust emission standard (or applicable FEL) for HC+NO_x. If alternate procedures were used in certification pursuant to § 91.119, then those alternate procedures must be used.

§ 91.608 Compliance with acceptable quality level and passing and failing criteria for selective enforcement audits.

(a) The prescribed acceptable quality level is 40 percent.

(b) A failed engine is one whose final test results pursuant to § 91.509(b), for HC+NO_x, exceed the applicable family emission level.

(c) The manufacturer must test engines comprising the test sample until a pass decision is reached for HC+NO_x or a fail decision is reached for HC+NO_x. A pass decision is reached when the cumulative number of failed engines, as defined in paragraph (b) of this section, for HC+NO_x is less than or equal to the pass decision number, as defined in paragraph (d) of this section, appropriate to the cumulative number of engines tested. A fail decision is reached when the cumulative number of failed engines for HC+NO_x is greater than or equal to the fail decision number, as defined in paragraph (d) of this section, appropriate to the cumulative number of engines tested.

(d) The pass and fail decision numbers associated with the cumulative number of engines tested are determined by using the tables in Appendix A to this subpart, "Sampling Plans for Selective Enforcement Auditing of Marine Engines," appropriate to the projected sales as made by the manufacturer in its report to EPA under § 91.504(c)(1). In the tables in Appendix A to this subpart, sampling plan "stage" refers to the cumulative number of engines tested. Once a pass or fail decision has been made for HC+NO_x, the number of engines with

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final test results exceeding the emission standard for HC+NO_x shall not be considered any further for the purposes of the audit.

(e) Passing or failing of an SEA occurs when the decision is made on the last engine required to make a decision under paragraph (c) of this section.

(f) The Administrator may terminate testing earlier than required in paragraph (c) of this section.

**APPENDIX A TO SUBPART G OF PART 91—
SAMPLING PLANS FOR SELECTIVE EN-
FORCEMENT AUDITING OF MARINE
ENGINES**

TABLE 1—SAMPLING PLAN CODE LETTER

Annual engine family sales	Code letter
20–50	AA ¹
20–99	A ¹
100–299	B
300–499	C
500 or greater	D

¹A manufacturer may optionally use either the sampling plan for code letter “AA” or sampling plan for code letter “A” for Selective Enforcement Audits of engine families with annual sales between 20 and 50 engines. Additional, the manufacturers may switch between these plans during the audit.

**TABLE 2—SAMPLING PLAN FOR CODE LETTER
“AA”**

[Sample inspection criteria]

Stage	Pass No.	Fail No.	Stage	Pass No.	Fail No.
1	(¹)	(²)	11	4	8
2	(¹)	(²)	12	4	9
3	0	(²)	13	5	9
4	0	(²)	14	5	10
5	1	5	15	6	10
6	1	6	16	6	10
7	2	6	17	7	10
8	2	7	18	8	10
9	3	7	19	8	10
10	3	8	20	9	10

¹ Test sample passing not permitted at this stage.

² Test sample failure not permitted at this stage.

**TABLE 3—SAMPLING PLAN FOR CODE LETTER
“A”**

[Sample inspection criteria]

Stage	Pass No.	Fail No.	Stage	Pass No.	Fail No.
1	(¹)	(²)	16	6	11
2	(¹)	(²)	17	7	12
3	(¹)	(²)	18	7	12
4	0	(²)	19	8	13
5	0	(²)	20	8	13
6	1	6	21	9	14
7	1	7	22	10	14
8	2	7	23	10	15
9	2	8	24	11	15
10	3	8	25	11	16
11	3	8	26	12	16

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**TABLE 3—SAMPLING PLAN FOR CODE LETTER
“A”—Continued**

[Sample inspection criteria]

Stage	Pass No.	Fail No.	Stage	Pass No.	Fail No.
12	4	9	27	12	17
13	5	10	28	13	17
14	5	10	29	14	17
15	6	11	30	16	17

¹ Test sample passing not permitted at this stage.

² Test sample failure not permitted at this stage.

**TABLE 4—SAMPLING PLAN FOR CODE LETTER
“B”**

[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	(¹)	(²)
2	(¹)	(²)
3	(¹)	(²)
4	(¹)	(²)
5	0	(²)
6	1	6
7	1	7
8	2	7
9	2	8
10	3	8
11	3	9
12	4	9
13	4	10
14	5	10
15	5	11
16	6	12
17	6	12
18	7	13
19	8	13
20	8	14
21	9	14
22	9	15
23	10	15
24	10	16
25	11	16
26	11	17
27	12	17
28	12	18
29	13	18
30	13	19
31	14	19
32	14	20
33	15	20
34	16	21
35	16	21
36	17	22
37	17	22
38	18	22
39	18	22
40	21	22

¹ Test sample passing not permitted at this stage.

² Test sample failure not permitted at this stage.

**TABLE 5—SAMPLING PLAN FOR CODE LETTER
“C”**

[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	(¹)	(²)
2	(¹)	(²)
3	(¹)	(²)
4	(¹)	(²)

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**TABLE 5—SAMPLING PLAN FOR CODE LETTER
“C”—Continued**
[Sample inspection criteria]

Stage	Pass No.	Fail No.
5	0	(2)
6	0	6
7	1	7
8	2	7
9	2	8
10	3	9
11	3	9
12	4	10
13	4	10
14	5	11
15	5	11
16	6	12
17	6	12
18	7	13
19	7	13
20	8	14
21	8	14
22	9	15
23	10	15
24	10	16
25	11	16
26	11	17
27	12	17
28	12	18
29	13	18
30	13	19
31	14	19
32	14	20
33	15	20
34	15	21
35	16	21
36	16	22
37	17	22
38	18	23
39	18	23
40	19	24
41	19	24
42	20	25
43	20	25
44	21	26
45	21	27
46	22	27
47	22	27
48	23	27
49	23	27
50	26	27

¹ Test sample passing not permitted at this stage.
² Test sample failure not permitted at this stage.

**TABLE 6—SAMPLING PLAN FOR CODE LETTER
“D”—Continued**
[Sample inspection criteria]

Stage	Pass No.	Fail No.
1	(1)	(2)
2	(1)	(2)
3	(1)	(2)
4	(1)	(2)
5	0	(2)
6	0	6
7	1	7
8	2	8
9	2	8
10	3	9
11	3	9
12	4	10
13	4	10

**TABLE 6—SAMPLING PLAN FOR CODE LETTER
“D”—Continued**
[Sample inspection criteria]

Stage	Pass No.	Fail No.
14	5	11
15	5	11
16	6	12
17	6	12
18	7	13
19	7	13
20	8	14
21	8	14
22	9	15
23	9	15
24	10	16
25	11	16
26	11	17
27	12	17
28	12	18
29	13	19
30	13	19
31	14	20
32	14	20
33	15	21
34	15	21
35	16	22
36	16	22
37	17	23
38	17	23
39	18	24
40	18	24
41	19	25
42	19	26
43	20	26
44	21	27
45	21	27
46	22	28
47	22	28
48	23	29
49	23	29
50	24	30
51	24	30
52	25	31
53	25	31
54	26	32
55	26	32
56	27	33
57	27	33
58	28	33
59	28	33
60	32	33

¹ Test sample passing not permitted at this stage.
² Test sample failure not permitted at this stage.

[61 FR 52102, Oct. 4, 1996, as amended at 67 FR 68340, Nov. 8, 2002]

**Subpart H—Importation of
Nonconforming Marine Engines**

§ 91.701 Applicability.

(a) Except where otherwise indicated, this subpart is applicable to marine SI engines for which the Administrator has promulgated regulations under this part prescribing emission standards, including engines incorporated into marine vessels or equipment, that are offered for importation or imported